

Grantee Guidance – Documenting Compliance with the 2019 Title X Final Rule *Compliance with Statutory Program Integrity Requirements*

As stated earlier this week (attached), compliance with the 2019 Final Rule, except for the physical separation requirement, was required as of July 15, 2019.

In the past, the U.S. Department of Health and Human Services, Office of Population Affairs (OPA), has exercised enforcement discretion in appropriate circumstances. Given the circumstances surrounding the implementation of the Final Rule, OPA does not intend to bring enforcement actions against Title X recipients that are making, and continue to make, good-faith efforts to comply with the Final Rule. OPA is committed to working with grantees to assist them in coming into compliance with the requirements of the Final Rule.

As part of those good-faith efforts, OPA expects the following:

1. Assurance and Action Plan Documenting Steps to Come Into Compliance – Due by August 19, 2019

- A written assurance stating that the project does not provide abortion and does not include abortion as a method of family planning.
- An action plan describing the steps that they will take to come into compliance with all aspects of the Final Rule.
- The action plan must be submitted as a Grant Note in Grantsolutions, and an email must be sent to the Project Officer indicating that the plan has been submitted.
- The expectation is that grantees will begin to implement the actions stated in their action plans immediately.
- If there are any questions or concerns about a grantee's action plan, the OPA project officer will notify the grantee within 2 weeks.

2. Statement and Supporting Evidence with Compliance Requirements – Due by September 18, 2019

- A written statement, signed by the Project Director and Authorized Official stating that the grant project is in compliance with the 2019 Title X Final Rule, except for the physical separation requirements.
- For each requirement, the grantee must (1) describe the steps that were taken to ensure that the grant project is in compliance and (2) provide any relevant documentation needed for OPA to verify compliance (e.g., copies of revised policies, plan for monitoring subrecipients, staff training plan).
- The written statement and any supporting documentation must be submitted as a Grant Note in Grantsolutions. An email must be sent to the Project Officer indicating that the statement and supporting documentation have been submitted.

3. Statement and Supporting Evidence for Physical Separation between Title X Services and Abortion Services – Due by March 4, 2020

- A written statement, signed by the Program Director and Authorized Official, stating that the grant project is in compliance with the requirement for physical separation between Title X services and abortion services as stated in the 2019 Title X Final Rule.
- For the requirement for physical separation between Title X services and abortion services, the grantee must (1) describe the steps that were taken to ensure that the grant project is in compliance and (2) provide any relevant documentation needed for OPA to verify compliance (e.g., copies of revised policies, plan for monitoring subrecipients, staff training plan).
- The written statement and any supporting documentation must be submitted as a Grant Note in Grantsolutions. An email must be sent to the Project Officer indicating that the statement and supporting documentation have been submitted.

If the grantee believes that it cannot meet the deadlines listed above, it must submit a request for an extension as a Grant Note in Grantsolutions, along with an explanation or documentation of the need for the extension. The compliance deadline may be extended only if such extension is necessary to promote the orderly and effective implementation of the Title X project and the Final Rule. An email must be sent to the Project Officer indicating that the request has been submitted.